U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2003-01341 PROJECT LOCATION INFORMATION: State: New York Dutchess County: Center coordinates of site (latitude/longitude): lat:41-38-12.6600 lon:73-55-2.1360 Approximate size of area (parcel) reviewed, including uplands: 25.84 acres. Name of nearest waterway: Unnamed Tributary to Casper Creek Name of watershed: HUDSON RIVER - YONKERS TO POUGHKEEPSIE JURISDICTIONAL DETERMINATION Completed: Desktop determination [] Site visit(s) [X] Date(s): November 24, 2004 Jurisdictional Determination (JD): [ ] Preliminary JD - Based on available information, [ ] there appear to be (or) [ ] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [ ] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.03 acres. [ ] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [ ] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [ ] The presence of waters that are subject to the ehb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [ ] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands. [ ] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [ ] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetland includes an intermittent stream which flows to Casper Creek, which flows to the Hudson River, which is navigable.

[X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

[ ] (iii) which are or could be used for industrial purposes by industries in interstate commerce.

[] (4) Impoundments of waters otherwise defined as waters of the US. [X] (5) The presence of a tributary to a water identified in (1) - (4) above.

[ ] (6) The presence of territorial seas.

Lateral Extent of Jurisdiction: (Reference: 33 CFR	parts 328 and 329)		
[X] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:		
[X] clear, natural line impressed on the bank	[] oil or scum line along shore objects		
[X] the presence of litter and debris	[] fine shell or debris deposits (foreshore)		
[ ] changes in the character of soil	[] physical markings/characteristics		
[X] destruction of terrestrial vegetation	[] tidal gages		
[] shelving	[] other:		
[ ] other:			
[] Mean High Water Mark indicated by: [] survey to available datum; [] physical markings	s; [] vegetation lines/changes in vegetation types.		
[X] Wetland boundaries, as shown on the attached wetl	and delineation map and/or in a delineation report prepared by:		
Basis For Not Asserting Jurisdiction:			
[] The reviewed area consists entirely of uplands.			
[] Unable to confirm the presence of waters in 33 CFF	t part 328(a)(1 2 or 4-7)		
[] Headquarters declined to approve jurisdiction on the			
	hat the following waters present on the site are not Waters of		
the United States:	at the following waters present on the site are not waters of		
[] Waste treatment systems, including treatment por	nds or Jagoons, pursuant to 33 CFR part 328 3		
Artificially irrigated areas, which would revert to			
[ ] Artificial lakes and ponds created by excavating			
	such purposes as stock watering, irrigation, settling basins, or		
rice growing.	den purposes as stock watering, irrigation, setting basins, or		
Artificial reflecting or swimming pools or other:	small armomental hading of water areated		
by excavating and/or diking dry land to retain w			
	lental to construction activity and pits excavated in dry land for		
	ess and until the construction or excavation operation is		
	the definition of waters of the United States found at 33 CFR		
328.3(a).			
[] Isolated, intrastate wetland with no nexus to interstate commerce.			
	latural Resources Conservation Service. Explain rationale:		
	[] Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:		
[] Other (explain):			
DATA REVIEWED FOR JURISDICTIONAL DETERM	TINATTON (most all that analy).		
[X] Maps, plans, plots or plat submitted by or on behal:	• • • • • • • • • • • • • • • • • • • •		
[X] Data sheets prepared/submitted by or on behalf of t			
[] This office concurs with the delineation report, d			
[] This office does not concur with the delineation	report, dated , prepared by (company):		
[ ] Data sheets prepared by the Corps.			
[ ] Corps' navigable waters' studies:			
[ ] U.S. Geological Survey Hydrologic Atlas:			
[X] U.S. Geological Survey 7.5 Minute Topographic ma			
[] U.S. Geological Survey 7.5 Minute Historic quadran			
[ ] U.S. Geological Survey 15 Minute Historic quadrang	rles:		
[] USDA Natural Resources Conservation Service Soil	Survey:		
[X] National wetlands inventory maps: Poughkeepsie, N	Y		
[X] State/Local wetland inventory maps: Poughkeepsie,	NY		
[] FEMA/FIRM maps (Map Name & Date):			
[ ] 100-year Floodplain Elevation is: (NGVD)			
[ ] Aerial Photographs (Name & Date):			
Other photographs (Date):			
[] Advanced Identification Wetland maps:			
[X] Site visit/determination conducted on: November 24	2004		
[] Applicable/supporting ease law:	,		
[] Other information (please specify):			
[ ] Other information (picase specify):			

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., oecurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

NEW YORK DISTRICT (CENAN) DISTRICT OFFICE: FILE NUMBER: 2003-01342 PROJECT LOCATION INFORMATION: New York State: County: Dutchess Center coordinates of site (latitude/longitude): lat:41-38-27.5640 lon:73-54-49.2480 Approximate size of area (parcel) reviewed, including uplands: 114.22 acres. Name of nearest waterway: Casper Creek HUDSON RIVER - YONKERS TO POUGHKEEPSIE Name of watershed: JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: Site visit(s) [X]Date(s): November 24, 2004 Jurisdictional Determination (JD): [] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [ ] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 7.52 aeres. [ ] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [ ] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [ ] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [ ] (2) The presence of interstate waters including interstate wetlands<sup>1</sup>. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): [ ] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetland system includes three intermittent tributaries to Casper Creek, as well as a portion of Casper Creek, which flows to the Hudson River, which is navigable.

[X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

[ ] (iii) which are or eould be used for industrial purposes by industries in interstate commerce.

[] (4) Impoundments of waters otherwise defined as waters of the US. [X] (5) The presence of a tributary to a water identified in (1) - (4) above.

[] (6) The presence of territorial seas.

Lateral Extent of Jurisdiction: (Reference: 33 CFR	parts 328 and 329)	
[X] Ordinary High Water Mark indicated by:	[ ] High Tide Line indicated by:	
[X] clear, natural line impressed on the bank	[] oil or seum line along shore objects	
[X] the presence of litter and debris	[ ] fine shell or debris deposits (foreshore)	
[X] changes in the character of soil	[] physical markings/characteristics	
[X] destruction of terrestrial vegetation	[] tidal gages	
[] shelving	[ ] other:	
[ ] other:		
[] Mean High Water Mark indicated by:		
[] survey to available datum; [] physical marking	gs; [] vegetation lines/changes in vegetation types.	
[X] Wetland boundaries, as shown on the attached well	tland delineation map and/or in a delineation report prepared by:	
Basis For Not Asserting Jurisdiction:		
[ ] The reviewed area consists entirely of uplands.		
	D nort 200(a)(1, 2, a= 4, 7)	
[] Unable to confirm the presence of waters in 33 CF		
[] Headquarters declined to approve jurisdiction on th		
	that the following waters present on the site are not Waters of	
the United States:		
[] Waste treatment systems, including treatment po		
[ ] Artificially irrigated areas, which would revert t	to upland if the irrigation ceased.	
[ ] Artificial lakes and ponds created by excavating	and/or diking dry land to collect and	
retain water and which are used exclusively for	such purposes as stock watering, irrigation, settling basins, or	
rice growing.		
[ ] Artificial reflecting or swimming pools or other	small ornamental bodies of water created	
by excavating and/or diking dry land to retain w		
, , ,	idental to construction activity and pits excavated in dry land for	
	less and until the construction or excavation operation is	
	ts the definition of waters of the United States found at 33 CFR	
	a the definition of waters of the officed states found at 33 C/R	
328.3(a). [ ] Isolated, intrastate wetland with no nexus to interstate commerce.		
[] Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:		
[ ] Non-tidal drainage or irrigation ditches excavate	ed on dry land. Explain rationale:	
[] Other (explain):		
DATA REVIEWED FOR JURISDICTIONAL DETERM	MINATION (mark all that apply).	
[X] Maps, plans, plots or plat submitted by or on beha		
	• •	
[X] Data sheets prepared/submitted by or on behalf of		
[] This office concurs with the delineation report,		
[] This office does not concur with the delineation	report, dated , prepared by (company):	
[ ] Data sheets prepared by the Corps.		
[] Corps' navigable waters' studies:		
[ ] U.S. Geological Survey Hydrologic Atlas:		
[X] U.S. Geological Survey 7.5 Minute Topographic m	1aps: Poughkeepsie, NY	
[ ] U.S. Geological Survey 7.5 Minute Historic quadran	ngles:	
[ ] U.S. Geological Survey 15 Minute Historic quadran	ngles:	
[ ] USDA Natural Resources Conservation Service Soil	Survey:	
[X] National wetlands inventory maps: Poughkeepsie, I		
[X] State/Local wetland inventory maps: Poughkeepsie		
[] FEMA/FIRM maps (Map Name & Date):	,	
[] 100-year Floodplain Elevation is: (NGVD)		
[ ] Aerial Photographs (Name & Date):		
[X] Other photographs (Date):		
[] Advanced Identification Wetland maps:	M 2004	
[X] Site visit/determination eonducted on: November 2	4, 2004	
[] Applicable/supporting case law:		
[] Other information (please specify):		

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2004-00454 PROJECT LOCATION INFORMATION: New Jersey County: Hudson Center coordinates of site (latitude/longitude): lat:40-40-13.0080 lon:74-5-20.0040 Approximate size of area (parcel) reviewed, including uplands: 2000 foot long by 110 foot wide berthing area. Name of nearest waterway: Port Jersey Channel Name of watershed: NEW YORK HARBOR JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: May 5, 2004 [X]Site visit(s) [] Date(s): Jurisdictional Determination (JD): [X] Preliminary JD - Based on available information, [X] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [ ] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 2000 foot by 110 foot berth area. [ ] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [ ] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [X] The presence of waters that are subject to the cbb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [X] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands'.

- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,
  - sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
    - [ ] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
    - [ ] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
    - [ ] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The project site is located in the Upper New York Harbor, within an existing berth area. The berth area is located adjacent to the Port Jersey Federal Channel.

	[] Ordinary High Water Mark indicated by: [] clear, natural line impressed on the bank [] the presence of litter and debris [] changes in the eharacter of soil [] destruction of terrestrial vegetation [] shelving [] other:  [] Ordinary High Water Mark indicated by: [] High Tide Line indicated by: [] oil or scum line along shore objects [] fine shell or debris deposits (foreshore) [] physical markings/characteristics [] tidal gages [] other:
	[X] Mean High Water Mark indicated by: [X] survey to available datum; [] physical markings; [] vegetation lines/changes in vegetation types.
	[] Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	Basis For Not Asserting Jurisdiction:  [] The reviewed area consists entirely of uplands.  [] Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  [] Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  [] The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  [] Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  [] Artificially irrigated areas, which would revert to upland if the irrigation ceased.  [] Artificial lakes and ponds created by excavating and/or diking dry land to collect and
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  [ ] Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  [ ] Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  [ ] Isolated, intrastate wetland with no nexus to interstate commerce.  [ ] Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  [ ] Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  [ ] Other (explain):
DATA	REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):  [X] Maps, plans, plots or plat submitted by or on behalf of the applicant.  [] Data sheets prepared/submitted by or on behalf of the applicant.  [] This office concurs with the delineation report, dated, prepared by (company):  [] This office does not concur with the delineation report, dated, prepared by (company):  [] Data sheets prepared by the Corps.  [] Corps' navigable waters' studies:  [] U.S. Geological Survey Hydrologic Atlas:  [X] U.S. Geological Survey 7.5 Minute Topographic maps:Jersey City  [] U.S. Geological Survey 7.5 Minute Historic quadrangles:  [] U.S. Geological Survey 15 Minute Historic quadrangles:  [] U.S. Astural Resources Conservation Service Soil Survey:  [] National wetlands inventory maps:  [] State/Local wetland inventory maps:  [] FEMA/FIRM maps (Map Name & Date):  [] 100-year Floodplain Elevation is: (NGVD)  [] Aerial Photographs (Name & Date):  [X] Other photographs (Date):  [X] Other photographs (Date):  [X] Site visit/determination conducted on:  [X] Applicable/supporting case law:  [X] Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2004-00814 PROJECT LOCATION INFORMATION: New York State: County: Orange Center coordinates of site (latitude/longitude): lat:41-31-1.9200 lon:74-3-50.4000 Approximate size of area (parcel) reviewed, including uplands: 137.5 acres. Name of nearest waterway: Quassaie Creek Name of watershed: HUDSON RIVER - YONKERS TO POUGHKEEPSIE JURISDICTIONAL DETERMINATION Desktop determination Completed: Date: Date(s): 9/2/04, 9/23/04, 5/11/05 Site visit(s) [X]Jurisdictional Determination (JD): [] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [ ] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 11.284 acres. [X] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [X] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [ ] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the cbb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands<sup>1</sup>. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (cbeek all that apply): [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands include Quassaic Creek, which flows to the Hudson River, which is navigable.

[X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

[] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
[] (iii) which are or could be used for industrial purposes by industries in interstate commerce.

[] (4) Impoundments of waters otherwise defined as waters of the US. [X] (5) The presence of a tributary to a water identified in (1) - (4) above.

[] (6) The presence of territorial seas.

Lateral Extent of Jurisdiction: (Reference: 33 CFR  [X] Ordinary High Water Mark indicated by:  [X] clear, natural line impressed on the bank  [X] the presence of litter and debris  [X] changes in the character of soil  [X] destruction of terrestrial vegetation  [X] shelving  [] other:	parts 328 and 329) [] High Tide Line indicated by: [] oil or scum line along shore objects [] fine shell or debris deposits (foreshore) [] physical markings/characteristics [] tidal gages [] other:	
[] Mean High Water Mark indicated by: [] survey to available datum; [] physical marking.	s; [] vegetation lines/changes in vegetation types.	
[X] Wetland boundaries, as shown on the attached wetl	and delineation map and/or in a delineation report prepared by:	
Basis For Not Asserting Jurisdiction:  [] The reviewed area consists entirely of uplands.  [] Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  [] Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  [X] The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  [] Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  [] Artificially irrigated areas, which would revert to upland if the irrigation ceased.  [] Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  [] Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  [] Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  [X] Isolated, intrastate wetland with no nexus to interstate eommerce.  [] Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  [] Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  [] Other (explain):		
DATA REVIEWED FOR JURISDICTIONAL DETERM  [X] Maps, plans, plots or plat submitted by or on behaling.  [X] Data sheets prepared/submitted by or on behaling.  [X] Data sheets prepared/submitted by or on behaling.  [X] This office concurs with the delineation report, described by the Corps.  [X] Data sheets prepared by the Corps.  [X] Corps' navigable waters' studies:  [X] U.S. Geological Survey Hydrologic Atlas:  [X] U.S. Geological Survey 7.5 Minute Topographic mages and the storic quadranterial of the	f of the applicant. the applicant. lated , prepared by (company): report, dated , prepared by (company):  aps: Newburgh, NY tigles: I Survey: Orange County, NY	

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

NEW YORK DISTRICT (CENAN) DISTRICT OFFICE: FILE NUMBER: 2004-01165 PROJECT LOCATION INFORMATION: New York County: Sullivan Center coordinates of site (latitude/longitude): lat:41-44-45.9960 lon:74-39-20.9880 Approximate size of area (parcel) reviewed, including uplands: 230 acres. Name of nearest waterway: Sheldrake Stream Name of watershed: DELAWARE RIVER JURISDICTIONAL DETERMINATION Completed: Desktop determination [] Date Site visit(s) Date(s): December 1, 2004 [X] Jurisdictional Determination (JD): [] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [ ] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 37.231 acres. [X] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [X] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [ ] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [ ] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands<sup>1</sup>. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [ ] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(I) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetland system includes an unnamed tributary to Sheldrake Stream, which flows to the Neversink River, which flows to the Delaware River, which is navigable.

[X] (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

[ ] (iii) which are or could be used for industrial purposes by industries in interstate commerce.

[] (4) Impoundments of waters otherwise defined as waters of the US. [X] (5) The presence of a tributary to a water identified in (1) - (4) above.

[] (6) The presence of territorial seas.

Lateral Extent of Jurisdiction: (Reference: 33 CFR  [X] Ordinary High Water Mark indicated by:  [X] clear, natural line impressed on the bank  [X] the presence of litter and debris  [X] changes in the character of soil  [] destruction of terrestrial vegetation  [] shelving  [] other:	parts 328 and 329) [] High Tide Line indicated by: [] oil or scum line along shore objects [] fine shell or debris deposits (foreshore) [] physical markings/characteristics [] tidal gages [] other:
[] Mean High Water Mark indicated by: [] survey to available datum; [] physical marking	
[X] Wetland boundaries, as shown on the attached wet	land delineation map and/or in a delineation report prepared by:
the United States:  [] Waste treatment systems, including treatment por [] Artificially irrigated areas, which would revert to [] Artificial lakes and ponds created by excavating retain water and which are used exclusively for rice growing.  [] Artificial reflecting or swimming pools or other by excavating and/or diking dry land to retain was [] Water-filled depressions created in dry land inci the purpose of obtaining fill, sand, or gravel unlabandoned and the resulting body of water meet 328.3(a).  [X] Isolated, intrastate wetland with no nexus to interpretations of the state of th	that the following waters present on the site are not Waters of onds or lagoons, pursuant to 33 CFR part 328.3. To upland if the irrigation ceased.  and/or diking dry land to collect and such purposes as stock watering, irrigation, settling basins, or small ornamental bodies of water created vater for primarily aesthetic reasons. The definition of waters of the United States found at 33 CFR terstate commerce.  Natural Resources Conservation Service. Explain rationale:
DATA REVIEWED FOR JURISDICTIONAL DETERM  [X] Maps, plans, plots or plat submitted by or on behalf  [X] Data sheets prepared/submitted by or on behalf of  [] This office concurs with the delineation report, of  [] This office does not concur with the delineation  [] Data sheets prepared by the Corps.  [] Corps' navigable waters' studies:  [] U.S. Geological Survey Hydrologic Atlas:  [X] U.S. Geological Survey 7.5 Minute Topographic m  [] U.S. Geological Survey 7.5 Minute Historic quadran  [] U.S. Geological Survey 15 Minute Historic quadran  [X] USDA Natural Resources Conservation Service Soi  [X] National wetlands inventory maps: Monticello, NY  [] State/Local wetland inventory maps:  [] FEMA/FIRM maps (Map Name & Date):  [] 100-year Floodplain Elevation is: (NGVD)  [] Aerial Photographs (Name & Date):  [] Other photographs (Date):  [] Advanced Identification Wetland maps:  [X] Site visit/determination conducted on: December 1,  [] Applicable/supporting case law:  [] Other information (please specify):	If of the applicant. the applicant. dated , prepared by (company): report, dated , prepared by (company): haps: Monticello, NY hagles: gles: il Survey: Sullivan Co, NY

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river herms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2005-00122 PROJECT LOCATION INFORMATION: State: New Jersey County: Hudson Center coordinates of site (latitude/longitude): lat:40-40-30.0000 lon:74-4-30.0000 Approximate size of area (parcel) reviewed, including uplands: n/a Name of nearest waterway: New York Harbor NEW YORK HARBOR Name of watershed: JURISDICTIONAL DETERMINATION Desktop determination Date: March 3, 2005 Completed: [X] Site visit(s) [] Datc(s): Jurisdictional Determination (JD): [X] Preliminary JD - Based on available information, [X] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [ ] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [ ] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [ ] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [X] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [X] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in

[] (-) F
interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
(2) The presence of interstate waters including interstate wetlands <sup>1</sup> .
[3] The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,
sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
destruction of which could affect interstate commerce including any such waters (check all that apply):
[] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
[] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
[] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
(4) Impoundments of waters otherwise defined as waters of the US.
1 1 / 1 / 1 / 1 / 1 / 1 / 1 / 1 / 1 / 1

[] (5) The presence of a tributary to a water identified in (1) - (4) above.

[] (6) The presence of territorial seas.

[] (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes cheeked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The Port Jersey Navigation Channel is subject to the ebb and flow of the tide and is navigable.

	Lateral Extent of Jurisdiction: (Reference: 33 CFR	parts 328 and 329)
	[ ] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
	[] clear, natural line impressed on the bank	[ ] oil or scum line along shore objects
	[] the presence of litter and debris	[ ] fine shell or debris deposits (foreshore)
	[] changes in the character of soil	[] physical markings/characteristics
	[ ] destruction of terrestrial vegetation	[] tidal gages
	[] shelving	[] other:
		[ ] other.
	[ ] other:	
	[X] Mean High Water Mark indicated by:	
		ngs; [] vegetation lines/ehanges in vegetation types.
	[ ] Wetland boundaries, as shown on the attached wetla	and delineation map and/or in a delineation report prepared by:
	Basis For Not Asserting Jurisdiction:	
	[] The reviewed area eonsists entirely of uplands.	N . 200/ N/1 0
	[ ] Unable to confirm the presence of waters in 33 CFF	
	[] Headquarters declined to approve jurisdiction on the	
	[] The Corps has made a case-specific determination to	hat the following waters present on the site are not Waters of
	the United States:	
	[ ] Waste treatment systems, including treatment po	nds or lagoons, pursuant to 33 CFR part 328.3.
	[ ] Artificially irrigated areas, which would revert to	
	[] Artificial lakes and ponds created by excavating	
		such purposes as stock watering, irrigation, settling basins, or
	rice growing.	sach purposes as stock matering, infigurion, sexing easing, of
	[ ] Artificial reflecting or swimming pools or other	small ornamental hodies of water ereated
	by excavating and/or diking dry land to retain w	
		dental to construction activity and pits excavated in dry land for
		ess and until the construction or excavation operation is s the definition of waters of the United States found at 33 CFR
	` '	uratota a a mana a ca
	[] Isolated, intrastate wetland with no nexus to inte	
		Natural Resources Conservation Service. Explain rationale:
	[] Non-tidal drainage or irrigation ditches excavated	d on dry land. Explain rationale:
	[ ] Other (explain):	
DATA	REVIEWED FOR JURISDICTIONAL DETERMINAT	
	[X] Maps, plans, plots or plat submitted by or on behal	- 1
	[] Data sheets prepared/submitted by or on behalf of the	• •
	[] This office concurs with the delineation report, of	
	[] This office does not concur with the delineation	report, dated , prepared by (company):
	[ ] Data sheets prepared by the Corps.	
	[X] Corps' navigable waters' studies:	
	[ ] U.S. Geological Survey Hydrologic Atlas:	
	[X] U.S. Geological Survey 7.5 Minute Topographic m	ans: Jersey City, NJ-NY
	[] U.S. Geological Survey 7.5 Minute Historic quadran	
	[] U.S. Geological Survey 15 Minute Historic quadrant	
		•
	[] USDA Natural Resources Conservation Service Soil	Survey:
	[] National wetlands inventory maps:	
	[] State/Local wetland inventory maps:	
	[] FEMA/FIRM maps (Map Name & Date):	
	[] 100-year Floodplain Elevation is: (NGVD)	
	[X] Aerial Photographs (Name & Date):	
	[] Other photographs (Date):	
	[ ] Advanced Identification Wetland maps:	
	[] Site visit/determination conducted on:	
	[ ] Applicable/supporting case law:	
	[ ] Other information (please specify):	
	[ ] Onler information (prease specify.	

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2005-00432 PROJECT LOCATION INFORMATION: State: New York Richmond County: Center coordinates of site (latitude/longitude): lat:40-31-28.9920 lon:74-12-33.0120 Approximate size of area (parcel) reviewed, including uplands: 1.4 acres. Name of nearest waterway: Lemon Creek ATLANTIC OCEAN Name of watershed: JURISDICTIONAL DETERMINATION Completed: Desktop determination [X]Date: May 2, 2005 Site visit(s) []Date(s): Jurisdictional Determination (JD): [X] Preliminary JD - Based on available information, [X] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [ ] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [ ] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidanee) within the reviewed area. Approximate size of jurisdictional area: [ ] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": 1 The presence of waters that are subject to the cbb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign eommerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [](I) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ehb and flow of the tide. [ ] (2) The presence of interstate waters including interstate wetlands<sup>1</sup>. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [ ] (iii) which are or could he used for industrial purposes by industries in interstate commerce. [ ] (4) Impoundments of waters otherwise defined as waters of the US. [X] (5) The presence of a tributary to a water identified in (1) - (4) above. [ ] (6) The presence of territorial seas. [X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Lemon Creek is a tributary to the Atlantic Ocean which is navigable.

•		e along shore objects bris deposits (foreshore)
	[] Mean High Water Mark indicated by: [] survey to available datum; [] physical markings; [] vegetation line	es/changes in vegetation types.
	[X] Wetland boundaries, as shown on the attached wetland delineation map and & Sawyer	d/or in a delineation report prepared by <u>Hazen</u>
	Basis For Not Asserting Jurisdiction:  [] The reviewed area consists entirely of uplands.  [] Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or [] Headquarters deelined to approve jurisdiction on the basis of 33 CFR part [] The Corps has made a case-specific determination that the following was the United States:  [] Waste treatment systems, including treatment ponds or lagoons, pursual [] Artificially irrigated areas, which would revert to upland if the irrigar [] Artificial lakes and ponds created by excavating and/or diking dry lartificial reflecting or swimming pools or other small ornamental bor by excavating and/or diking dry land to retain water for primarily asset [] Water-filled depressions created in dry land incidental to construction the purpose of obtaining fill, sand, or gravel unless and until the consabandoned and the resulting body of water meets the definition of was 328.3(a).  [] Isolated, intrastate wetland with no nexus to interstate commerce.  [] Prior converted cropland, as determined by the Natural Resources Co [] Non-tidal drainage or irrigation ditches excavated on dry land. Explain [] Other (explain):	rt 328.3(a)(3). ters present on the site are not Waters of uant to 33 CFR part 328.3. tion ceased. nd to collect and ek watering, irrigation, settling basins, or dies of water created sthetic reasons. n activity and pits excavated in dry land for struction or excavation operation is atters of the United States found at 33 CFR
DATA	,	apply):  Dy (company):  Direpared by (company):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN)

FILE NUMBER: 2005-00716

### PROJECT LOCATION INFORMATION:

State: New York Franklin County:

Center coordinates of site (latitude/longitude): lat:44-56-30.0120 lon:74-5-57.9840

Approximate size of area (parcel) reviewed, including uplands: 40 acres.

Name of nearest waterway: Bailey Brook

ST. LAWRENCE RIVER Name of watershed:

## JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date: []

> Site visit [X] Date: July 27, 2005

## Jurisdictional Determination (JD):

[X	[X] Preliminary JD - Based on available information, [X] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
[]	Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Cheek all that apply:
	[] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	[] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	[ ] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  [ ] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction

# BASIS OF JURISDICTIONAL DETERMINATION:

# A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

[ ] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

## B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
[](2	) The presence of interstate waters including interstate wetlands <sup>1</sup> .
[](3	) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,
	sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of which could affect interstate commerce including any such waters (check all that apply):
	[1 (i) which are or could be used by interstate or foreign travelers for reprectional or other numbers

[ ] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in

- [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [ ] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- [ ] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [ ] (4) Impoundments of waters otherwise defined as waters of the US.
- [] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes cheeked above). If the jurisdictional water or wetland is not itselfa navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: A 1.77 acre wetland located on the northern portion of the site drains northward in association with a tributary to the Chateaugay River.

	Lateral Extent of Jurisdiction: (Reference: 33 CFR	parts 328 and 329)
	[ ] Ordinary High Water Mark indicated by:	[ ] High Tide Line indicated by:
	[] clear, natural line impressed on the bank	[ ] oil or scum line along shore objects
	[] the presence of litter and debris	[ ] fine shell or debris deposits (foreshore)
	[] changes in the character of soil	[ ] physical markings/characteristics
	[] destruction of terrestrial vegetation	[] tidal gages
	[] shelving	other:
	[ ] other:	[ ] other.
	[ ] other.	
	[ ] Mean High Water Mark indicated by:	
	[] survey to available datum; [] physical marking	s: [] vegetation lines/changes in vegetation types
	[] survey to available datain, [] physical marking	s, [] regetation mics enanges in regetation types.
	[X] Wetland boundaries, as shown on the attached wetl	and delineation map and/or in a delineation report prepared by:
	Basis For Not Asserting Jurisdiction:	
	[ ] The reviewed area consists entirely of uplands.	
	[] Unable to confirm the presence of waters in 33 CFF	R part 328(a)(1, 2, or 4-7).
	[] Headquarters declined to approve jurisdiction on the	
		hat the following waters present on the site are not Waters of
	the United States:	nat the following waters present on the site are not waters of
	[ ] Waste treatment systems, including treatment po	nds or leggons, pursuant to 11 CED part 1083
	[] Artificially irrigated areas, which would revert to	
	[] Artificial lakes and ponds created by excavating	
	•	such purposes as stock watering, irrigation, settling basins, or
	rice growing.	
	[] Artificial reflecting or swimming pools or other	
	by excavating and/or diking dry land to retain w	
		dental to construction activity and pits excavated in dry land for
		ess and until the construction or excavation operation is
	abandoned and the resulting body of water meet: 328.3(a).	s the definition of waters of the United States found at 33 CFR
	[ ] Isolated, intrastate wetland with no nexus to inte	rstate commerce.
	[ ] Prior converted cropland, as determined by the N	Natural Resources Conservation Service. Explain rationale:
	[ ] Non-tidal drainage or irrigation ditches excavated	
	[] Other (explain):	
DATA 1	REVIEWED FOR JURISDICTIONAL DETERMINAT	
	[X] Maps, plans, plots or plat submitted by or on hehal	
	[] Data sheets prepared/submitted by or on behalf of the	••
	[ ] This office concurs with the delineation report, d	
	[ ] This office does not concur with the delineation	report, dated , prepared by (company):
	[ ] Data sheets prepared by the Corps.	
	[ ] Corps' navigable waters' studies:	
	[ ] U.S. Geological Survey Hydrologic Atlas:	
	[ ] U.S. Geological Survey 7.5 Minute Topographic ma	ps:
	[] U.S. Geological Survey 7.5 Minute Historic quadran	
	[] U.S. Geological Survey 15 Minute Historic quadrang	
	[] USDA Natural Resources Conservation Service Soil	
	[] National wetlands inventory maps:	ourvey.
	[] State/Local wetland inventory maps:	
	[] FEMA/FIRM maps (Map Name & Date):	
	[] 100-year Floodplain Elevation is: (NGVD)	
	[] Aerial Photographs (Name & Date):	
	[ ] Other photographs (Date):	
	[] Advanced Identification Wetland maps:	
	[X] Site visit/determination conducted on: July 27, 200	15
	[] Applicable/supporting case law:	
	[] Other information (please specify):	

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** NEW YORK DISTRICT (CENAN) 2005-00860 FILE NUMBER: PROJECT LOCATION INFORMATION: State New York Westchester County: Center coordinates of site (latitude/longitude): lat:40-55-41.9880 lon:73-43-36.9840 Approximate size of area (parcel) reviewed, including uplands: 1 acres. Name of nearest waterway: Long Island Sound LONG ISLAND SOUND Name of watershed: JURISDICTIONAL DETERMINATION Completed: Desktop determination [X] Date: August 12, 2005 [] Site visit(s) Date(s): Jurisdictional Determination (JD): [X] Preliminary JD - Based on available information, [X] there appear to be (or) [1] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [ ] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [ ] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [ ] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [ ] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [X] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [X] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [1] (2) The presence of interstate waters including interstate wetlands<sup>1</sup>. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or

destruction of which could affect interstate eommerce including any such waters (check all that apply): [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [ ] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [ ] (iii) which are or could be used for industrial purposes by industries in interstate commerce.

[] (4) Impoundments of waters otherwise defined as waters of the US.

[] (5) The presence of a tributary to a water identified in (1) - (4) above.

[] (6) The presence of territorial seas.

[] (7) The presence of wetlands adjacent2 to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(I) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Long Island Sound is subject to the ebb and flow of the tide and is a navigable waterway.

	Lateral Extent of Jurisdiction: (Reference: 33 CFR	•
	[] Ordinary High Water Mark indicated by:	[X] High Tide Line indicated hy:
	[] clear, natural line impressed on the bank	[] oil or scum line along shore objects
	[] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
	[] changes in the character of soil	[] physical markings/characteristics
	destruction of terrestrial vegetation	[ ] tidal gages
	[] shelving	[X] other: Applicant's photos & drawings
	[] other:	L d
	<b>L J</b> 22.722	
	[X] Mean High Water Mark indicated by:	
	[X] survey to available datum; [] physical marking	gs; [] vegetation lines/changes in vegetation types.
	[] Wetland boundaries, as shown on the attached wetla	and delineation map and/or in a delineation report prepared by:
	Basis For Not Asserting Jurisdiction:	
	The reviewed area consists entirely of uplands.	
	[] Unable to confirm the presence of waters in 33 CFF	2 part 378(a)(1 2 or 4.7)
	[] Headquarters declined to approve jurisdiction on the	
		hat the following waters present on the site are not Waters of
	the United States:	1 1 22 OFF 1200 2
	[] Waste treatment systems, including treatment po	
	[ ] Artificially irrigated areas, which would revert to	
	[] Artificial lakes and ponds created by excavating	9 -
		such purposes as stock watering, irrigation, settling basins, or
	rice growing.	
	[ ] Artificial reflecting or swimming pools or other	
	by excavating and/or diking dry land to retain w	ater for primarily aesthetic reasons.
	[ ] Water-filled depressions created in dry land incident	dental to construction activity and pits excavated in dry land for
	the purpose of ohtaining fill, sand, or gravel unle	ess and until rhe construction or excavation operation is
		s the definition of waters of the United States found at 33 CFR
	[ ] Isolated, intrastate wetland with no nexus to inte	rsrate commerce.
		Natural Resources Conservation Service. Explain rationale:
	[] Non-tidal drainage or irrigation ditches excavated	
	[] Other (explain):	2 on ally rande Emplain rationals.
	[ ] Other (explain).	
DATA F	REVIEWED FOR JURISDICTIONAL DETERMINAT	
	[X] Maps, plans, plots or plat submitted by or on behal	f of the applicant.
	[] Data sheets prepared/suhmitted by or on behalf of the	ne applicant.
	[ ] This office concurs with the delineation report, d	lated , prepared by (company):
	[ ] This office docs not concur with the delineation	report, dated , prepared by (company):
	Data sheets prepared by the Corps.	
	[ ] Corps' navigable waters' studies:	
	[ ] U.S. Geological Survey Hydrologie Atlas:	
	[ ] U.S. Geological Survey 7.5 Minute Topographic ma	IDS:
	[ ] U.S. Geological Survey 7.5 Minute Historic quadran	
	[] U.S. Geological Survey 15 Minute Historic quadrang	<u> </u>
	[] USDA Natural Resources Conservation Service Soil	
	National werlands inventory maps:	ourvey.
	State/Local wetland inventory maps:	
	[ ] FEMA/FIRM maps (Map Name & Date):	
	[ ] 100-year Floodplain Elevation is: (NGVD)	
	[] Acrial Photographs (Name & Date):	
	[X] Other photographs: <u>Undated</u>	
	[] Advanced Identification Wetland maps:	
	[] Site visit/determination conducted on:	
	[] Applicable/supporting case law:	
	[] Other information (please specify):	

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2005-01180 PROJECT LOCATION INFORMATION: New York State: Rockland County: Center coordinates of site (latitude/longitude): lat:41-4-43.3200 lon:73-57-47.1600 Approximate size of area (parcel) reviewed, including uplands: 0.003 acres. Name of nearest waterway: Sparkill Creek Name of watershed: Hudson River JURISDICTIONAL DETERMINATION Completed: Desktop determination [X] Date: November 16, 2005 Site visit(s) Date(s): Jurisdictional Determination (JD): [X] Preliminary JD - Based on available information, [X] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [ ] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [ ] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [ ] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [ ] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [ ] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [ ] (iii) which are or could be used for industrial purposes by industries in interstate commerce. [ ] (4) Impoundments of waters otherwise defined as waters of the US. [X] (5) The presence of a tributary to a water identified in (1) - (4) above. [] (6) The presence of territorial seas. [] (7) The presence of wetlands adjacent2 to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(I) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Sparkill Creek is a tributary to the Hudson River, which is a navigable waterway.

	Lateral Extent of Jurisdiction: (Reference: 33 CFR	parts 328 and 329)	
	[X] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:	
	[X] clear, natural line impressed on the bank	[] oil or scum line along shore objects	
	[X] the presence of litter and debris	[] fine shell or debris deposits (foreshore)	
	[] changes in the character of soil	[] physical markings/characteristies	
	[X] destruction of terrestrial vegetation	[] tidal gages	
		[] other:	
	[X] shelving	[ ] outer.	
	[] other:		
	[ ] Mann High Water Mark indicated by		
	[] Mean High Water Mark indicated by:	gs; [] vegetation lines/changes in vegetation types.	
	[ ] survey to avariable datum, [ ] physical marking	3s, [] vegetation intes/changes in vegetation types.	
	[] Wetland boundaries, as shown on the attached wetl	and delineation map and/or in a delineation report prepared by:	
	Basis For Not Asserting Jurisdiction:		
	[ ] The reviewed area consists entirely of uplands.		
	[ ] Unable to confirm the presence of waters in 33 CF	R part 328(a)(1, 2, or 4-7).	
	[ ] Headquarters declined to approve jurisdiction on the	e basis of 33 CFR part 328.3(a)(3).	
	[] The Corps has made a case-specific determination that the following waters present on the site are not Waters of		
	the United States:		
	[] Waste treatment systems, including treatment po	onds or lagoons, pursuant to 33 CFR part 328.3.	
	Artificially irrigated areas, which would revert		
	[] Artificial lakes and ponds created by excavating		
		such purposes as stock watering, irrigation, settling basins, or	
	rice growing.	buen purposes as stock watering, irrigation, setting basins, or	
	Artificial reflecting or swimming pools or other	small ornamental hodies of water created	
	by excavating and/or diking dry land to retain v		
		idental to construction activity and pits excavated in dry land for	
		less and until the construction or exeavation operation is	
		ts the definition of waters of the United States found at 33 CFR	
	328.3(a).		
	[] Isolated, intrastate wetland with no nexus to into		
		Natural Resources Conservation Service. Explain rationale:	
	[] Non-tidal drainage or irrigation ditches excavate	d on dry land. Explain rationale:	
	[ ] Other (explain):		
рата	REVIEWED FOR JURISDICTIONAL DETERMINA	TION (mark all that annly):	
<b>D</b> 11111	[X] Maps, plans, plots or plat submitted by or on beha		
	[] Data sheets prepared/submitted by or on behalf of t		
	[ ] This office concurs with the delineation report,	• •	
	[] This office does not concur with the delineation		
	Data sheets prepared by the Corps.	report, dated , prepared by (company).	
	[] Corps' navigable waters' studies:		
	[] U.S. Geological Survey Hydrologic Atlas:		
	[] U.S. Geological Survey 7.5 Minute Topographic m		
	[ ] U.S. Geological Survey 7.5 Minute Historic quadra		
	[] U.S. Geological Survey 15 Minute Historic quadrar		
	[ ] USDA Natural Resources Conservation Service Soi	Survey:	
	[] National wetlands inventory maps:		
	[ ] State/Loeal wetland inventory maps:		
	[ ] FEMA/FIRM maps (Map Name & Date):		
	[] 100-year Floodplain Elevation is: (NGVD)		
	[] Aerial Photographs (Name & Date):		
	[X] Other photographs (Date): Undated		
	Advanced Identification Wetland maps:		
	[] Site visit/determination conducted on:		
	[] Applicable/supporting case law:		
	[ ] Other information (please specify):		

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) 2005-01182 FILE NUMBER: PROJECT LOCATION INFORMATION: State: New York Rockland County: Center coordinates of site (latitude/longitude): lat:41-13-6.2400 lon:73-59-43.4400 Approximate size of area (parcel) reviewed, including uplands: 0.01 acres. Name of nearest waterway: Cedar Pond Brook HUDSON RIVER - YONKERS TO POUGHKEEPSIE Name of watershed: JURISDICTIONAL DETERMINATION Desktop determination Completed: [X] Date: November 16, 2005 Site visit(s) [] Date(s): Jurisdictional Determination (JD): [X] Preliminary JD - Based on available information, [x] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [ ] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [ ] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [ ] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [ ] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [ ] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [ ] The presence of waters that are subject to the cbb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [ ] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the cbb and flow of the tide. [ ] (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - [ ] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - [ ] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [ ] (4) Impoundments of waters otherwise defined as waters of the US.
- [x] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Cedar Pond Brook is a tributary to the Hudson River, which is subject to the ebb and flow of the tide and is considered to be navigable.

	Lateral Extent of Jurisdiction: (Reference: 33 CFR		
	[x] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:	
	[x] clear, natural line impressed on the bank	[] oil or scum line along shore objects	
	[x] the presence of litter and debris	[] fine shell or debris deposits (foreshore)	
	[] changes in the character of soil	[ ] physical markings/characteristics	
	destruction of terrestrial vegetation	[] tidal gages	
	[x] shelving	[] other:	
		[ ] oner.	
	[ ] other:		
	f I Maon High Woton Mode indicated by		
	[] Mean High Water Mark indicated by: [] survey to available datum; [] physical markings; [] vegetation lines/changes in vegetation types.		
	[] Wetland boundaries, as shown on the attached wetla	and delineation map and/or in a delineation report prepared by:	
	Basis For Not Asserting Jurisdiction:		
	[] The reviewed area consists entirely of uplands.		
	[] Unable to confirm the presence of waters in 33 CFF	Phart 378(a)(1 2 or 4-7)	
	[] Headquarters declined to approve jurisdiction on the		
		hat the following waters present on the site are not Waters of	
	the United States:	1 1 22 CPD 4 200 2	
	[] Waste treatment systems, including treatment por		
	[ ] Artificially irrigated areas, which would revert to		
	[] Artificial lakes and ponds created by excavating	_ ·	
	retain water and which are used exclusively for s	such purposes as stock watering, irrigation, settling basins, or	
	rice growing.		
	[ ] Artificial reflecting or swimming pools or other	small ornamental bodies of water created	
	by excavating and/or diking dry land to retain w		
		lental to construction activity and pits excavated in dry land for	
		ess and until the construction or excavation operation is	
		the definition of waters of the United States found at 33 CFR	
	328.3(a).	the definition of the party of the children blanck found at 25 Cife	
	[] Isolated, intrastate wetland with no nexus to inter-	rstate commerce	
		State commerce.  Satural Resources Conservation Service. Explain rationale:	
	[] Non-tidal drainage or irrigation ditches excavated	i on dry land. Explain fationale:	
	[] Other (explain):		
DATA	REVIEWED FOR JURISDICTIONAL DETERMINAT	ION (mark all that annly):	
DAIA	[x] Maps, plans, plots or plat submitted by or on behalf	,	
	[] Data sheets prepared/submitted by or on behalf of the		
	[] This office concurs with the delineation report, d		
	[] This office does not concur with the delineation	report, dated , prepared by (company):	
	[ ] Data sheets prepared by the Corps.		
	[ ] Corps' navigable waters' studies:		
	[ ] U.S. Geological Survey Hydrologic Atlas:		
	[ ] U.S. Geological Survey 7.5 Minute Topographic ma	ps:	
	[ ] U.S. Geological Survey 7.5 Minute Historic quadran	gles:	
	[ ] U.S. Geological Survey 15 Minute Historie quadrang	gles:	
	[ ] USDA Natural Resources Conservation Service Soil		
	National wetlands inventory maps:		
	[] State/Local wetland inventory maps:		
	[] FEMA/FIRM maps (Map Name & Date):		
	· · · · · · · · · · · · · · · · · ·		
	[] Aerial Photographs (Name & Date):		
	[x] Other photographs (Date): Sept 2005		
	[ ] Advanced Identification Wetland maps:		
	[] Site visit/determination conducted on:		
	[] Applicable/supporting case law:		
	[] Other information (please specify):		

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach duncs, and the like are also adjacent.

U.S. Army Corps of Engineers DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2005-01193 PROJECT LOCATION INFORMATION: State: New Jersey County: Essex Center coordinates of site (latitude/longitude): lat:40-25-25.3560 lon:74-4-24.4200 Approximate size of area (parcel) reviewed, including uplands: 18 acres. Name of nearest waterway: Newark Bay Name of watershed: NEWARK BAY JURISDICTIONAL DETERMINATION Completed: Desktop determination [X]Date: November 29, 2005 Site visit(s) [] Date(s): Jurisdictional Determination (JD): [ ] Preliminary JD - Based on available information, [ ] there appear to be (or) [ ] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [x] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [ ] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [x] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 3.7 acres. [x] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [x] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [x] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [x] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in

- interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- [ ] (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
- [ ] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (cheek all that apply):
  - [ ] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - [ ] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - [ ] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

Wetland "A" is adjacent to Newark Bay (Passaic River) which is subject to the ebb and flood of the tide and therefore a navigable water of the United States.

	Lateral Extent of Jurisdiction: (Reference: 33 CFR	parts 328 and 329)	
	[ ] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:	
	[] clear, natural line impressed on the bank	[] oil or scum line along shore objects	
	[] the presence of litter and debris	[] fine shell or debris deposits (foreshore)	
	[] changes in the character of soil	[] physical markings/characteristics	
	[] destruction of terrestrial vegetation	[] tidal gages	
	[] shelving	[] other:	
	[ ] other:	[ ] other.	
	[ ] omer:		
	[ ] Mean High Water Mark indicated by:		
	[] survey to available datum; [] physical markings; [] vegetation lines/changes in vegetation types.		
		and delineatioπ map and/or iπ a delineation report prepared by:	
	Teunisen Surveying & Planning Co., Inc.		
	Dagie For Not Asserting Insignistion.		
	Basis For Not Asserting Jurisdiction: [] The reviewed area consists entirely of uplands.		
	port 338(a)(1, 2, or 4.7)		
[] Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).			
	[] Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).		
[x] The Corps has made a case-specific determination that the following waters present on the site are not W			
	the United States:	1 1 000 000	
	[] Waste treatment systems, including treatment por		
	[] Artificially irrigated areas, which would revert to upland if the irrigation ceased.		
	[] Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins,		
	riee growing.		
	[] Artificial reflecting or swimming pools or other s		
	by excavating and/or diking dry land to retain wa		
	[ ] Water-filled depressions created in dry land incid	ental to construction activity and pits excavated in dry land for	
	the purpose of obtaining fill, sand, or gravel unle	ss and until the construction or excavation operation is	
	abandoned and the resulting body of water meets	the definition of waters of the United States found at 33 CFR	
	328.3(a).		
	[x] Isolated, intrastate wetland with πo nexus to inte	rstate eommerce.	
		atural Resources Conservation Service. Explain rationale:	
	[ ] Non-tidal drainage or irrigation ditches excavated		
	[] Other (explain):	· · · · · · · · · · · · · · · · · · ·	
	[1 ame (antimoty)		
DATA	REVIEWED FOR JURISDICTIONAL DETERMINAT		
	[x] Maps, plans, plots or plat submitted by or on behalf	of the applicant.	
	[x] Data sheets prepared/submitted by or on behalf of the	e applicant.	
	[x] This office concurs with the delineation report, d	ated November 9, 2001, prepared by (company): NJDEP LURP	
	[ ] This office does not concur with the delineation i		
	Data sheets prepared by the Corps.		
	[] Corps' navigable waters' studies:		
	U.S. Geological Survey Hydrologic Atlas:		
	[ ] U.S. Geological Survey 7.5 Minute Topographic maj	30.	
	[] U.S. Geological Survey 7.5 Minute Historic quadran		
	[ ] U.S. Geological Survey 15 Minute Historic quadrang		
	[] USDA Natural Resources Conservation Service Soil	survey:	
	[] National wetlands inventory maps:		
	[] State/Local wetland inventory maps:		
	[] FEMA/FIRM maps (Map Name & Date):		
	[] 100-year Floodplain Elevation is: (NGVD)		
	[ ] Aerial Photographs (Name & Date):		
	[ ] Other photographs (Date):		
	[] Advanced Identification Wetland maps:		
	[] Site visit/determination conducted on:		
	[ ] Applicable/supporting case law:		
	[ ] Other information (please specify):		

Wetlands are identified and delineated using the methods and eriteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydropbytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.